

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOSEPH DRAKE RODRIGUEZ,  
  
Defendant.

Case No. CR09-29-JLR

**PROPOSED FINDINGS OF FACT  
AND DETERMINATION AS TO  
ALLEGED VIOLATIONS OF  
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on May 9, 2011. The defendant appeared pursuant to summons issued in this case. The United States was represented by Nicholas Brown, and defendant was represented by Chris Kerkerling. Also present was U.S. Probation Officer Jerrod Akins. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was originally sentenced on June 15, 2009 by the Honorable James L. Robart for Vehicular Assault. He received 12 months and one day of detention and 3 years of supervised release. In addition to the standard conditions of supervision, Mr. Rodriguez was also ordered to comply with the following special conditions: Participate as instructed in a substance abuse testing/treatment program; submit to search as instructed; and do not enter any establishment

PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE - 1

1 where alcohol is the primary commodity for sale.

2 On July 9, 2010, a request for modifying the conditions or term of supervision with consent  
3 of the offender was submitted to the Court reporting that Mr. Rodriguez had consumed alcohol  
4 on July 6, 2010. Mr. Rodriguez agreed to complete 120 days of electronic home monitoring  
5 (curfew component), with a Sobrieter.

6 On September 13, 2010, a violation report and request for summons was submitted to the  
7 Court alleging that Mr. Rodriguez had violated his conditions of supervised release by  
8 committing the crimes of vehicle prowling and theft, and consuming alcohol. On November 30,  
9 2010, Mr. Rodriguez admitted to the violations and was sentenced to serve 30 days in custody  
10 followed by 2 years of supervised release. In addition to the standard conditions of supervised  
11 release, the following additional special condition of supervised release was imposed; that he  
12 participate in a residential reentry center (RRC) for a period up to 10 days or until discharged.

13 PRESENTLY ALLEGED VIOLATIONS

14 In a petition dated June 18, 2010, U.S. Probation Officer Jerrod Akins alleged that defendant  
15 violated the following conditions of supervised release:

16 1. Failing to complete 180 days in a residential reentry center (RRC), in violation of  
17 the special condition that he reside in and satisfactorily participate in a RRC for a period up to  
18 180 days, or until discharged by the program manager or the U.S. Probation Office.

19 2. Failing to follow the instructions of the probation officer by being terminated from  
20 the Moral Reconciliation Therapy (MRT) program, in violation of standard condition No. 3.

21 3. Associating with Lindsey Whitney, a convicted felon, in violation of standard  
22 condition No. 9.

23 4. Associating with Sadie Villars, a convicted felon, in violation of standard condition

No. 9.

FINDINGS FOLLOWING EVIDENTIARY HEARING

Defendant admitted the above violations, waived any hearing as to whether they occurred, and was informed the matter would be set for a disposition hearing on June 6, 2011 at 11:30 a.m. before District Judge James L. Robart.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 9<sup>th</sup> day of May, 2011.



BRIAN A. TSUCHIDA  
United States Magistrate Judge